



Liquor and Tobacco Advisory Board Meeting
Tuesday, January 15, 2012
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LAB Members:

Alicia Neubauer
Aaron Magdziarz
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Julio Salgado

Staff:

Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Mark Marinaro - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, January 28, 2013, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the December meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining and Julio Salgado absent.

012-LAB-035

Applicant
Ward 11

1603 11th Street

Mobin Ahmad / U.S. Petroleum
Sale of tobacco products with a gas station and convenience store in a C-3,
Commercial General Zoning District

The subject property is located on the southwest corner of 15th Avenue and 11th Street and is currently a vacant gas station. Mobin Ahmad, Applicant, was present and reviewed his request. He is proposing to reopen the business as a Mobile Gas Station and convenience store and wishes to sell tobacco. He stated this property has been closed for a while and felt the City would benefit by the use of this business.

Staff Recommendation is for Approval with (3) conditions. No Objectors or Interested Parties were present. Attorney Cacciapaglia had no questions. Mr. Sanders asked the Applicant if he was aware of the conditions of approval and Mr. Ahmad stated he was.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products with a gas station and convenience store in the name of Mobin Ahmad d/a/a U.S. Petroleum in a C-3, Commercial General Zoning District at 1603 11th Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Inside signage cannot exceed more than 35% of the window surface.
3. Maintenance of landscaping units and all units must be installed in accordance to Exhibit D.

012-LAB-036

Applicant
Ward 11

1623 Broadway

Raed A. Alabbodi / H & A Tobacco & Discount
Sale of tobacco in conjunction with a convenience store in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southwest corner of 12th Street and Broadway and is a vacant building. Raed A. Alabbodi, Applicant, reviewed his request for the sale of tobacco. Mr. Sanders asked if he had been open since November. Mr. Alabbodi stated he has a food license but is now waiting for the tobacco license approval. Mr. Sockwell asked if he was operating a full kitchen – Mr. Alabbodi stated no, he would not be using the kitchen at all. Mr. Sockwell asked what his plans were for the additional space in the building and Mr. Alabbodi replied “nothing”.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

During discussion, Mr. Roszkowski stated he questioned Staff’s recommendation of Denial. Mr. Cagnoni explained in reviewing this information it was a decision by Staff that the main use would be the sale of tobacco. He stated properties to the west of the subject property have a predominate number of tobacco sale businesses.

A **MOTION** was made by Scott Sanders to **DENY** the sale of tobacco in conjunction with a convenience store in the name of Raed A. Alabbodi d/b/a H & A Tobacco & Discount in a C-4, Urban Mixed-Use Zoning District at 1623 Broadway. The Motion was **SECONDED** by Dennis Olson and **FAILED TO CARRY** by a vote of 3-3 with Aaron Magdziarz, Craig Sockwell, and Dan Roszkowski voting Nay. The recommendation from the Board will move forward as **DENIAL**.

012-LAB-037

Applicant
Ward 14

2428 South Alpine Road

Samir R. Rathod d/b/a Pridom Liquor
Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in a C-3, Commercial General District

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue, currently known as Pridom Liquors. Samir R. Rathod, Applicant, was present and gave his presentation for liquor sales. He stated he wishes to hold a monthly wine tasting at this business. Mr. Rathod stated he will hire one employee to assist with this.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Attorney Cacciapaglia asked the applicant to clarify if he was applying for this liquor license in order to have gaming machines. He stated he was. Attorney Cacciapaglia explained to the Board that under the new gaming law, the establishment had to have a license to sell liquor on the premises in order to have gaming machines. She stated this action was the end goal of this application. Mr. Sockwell asked where he would put the machines. Mr. Rathod responded there is another room which is accessible by a separate door near the front entrance and this would be a separate room strictly for gaming. Mr. Cagnoni stated if this is the proposal by the Applicant, these details need to be presented in the business plan and interior layout, which it is not.

Ms. Neubauer stated if this is what he wishes to do she would be inclined to lay this item over for clarification to Staff on the business plan and interior layout. Attorney Cacciapaglia further clarified that liquor consumption on the premises is required in order to get a gaming license. If approved, this license would allow the Applicant to sell any kind of liquor he wished, since his request is for a full liquor license. Mr. Roszkowski stated if that were the case, than there is nothing to stop the Applicant from turning this

separate area into a full bar at any time. He asked Staff if they would support a full bar if all information was provided. Mr. Cagnoni stated they would be also looking for a full interior site plan which would require separate male and female restroom facilities among other things. Without knowledge of the plan and layout, he stated Staff could not respond to this question with complete accuracy. Mr. Sanders was also in favor of a Lay Over

Ms. Neubauer asked him to clarify his request. She asked if he was going to open a bar. Mr. Rathod stated he would not be opening a bar.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in the name of Samir R. Rathod d/b/a Pridom Liquor in a C-3, Commercial General District at 2428 South Alpine Road to the February 20, 2013 Liquor and Tobacco Advisory Board meeting. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1, with Craig Sockwell voting Nay.

012-LAB-038

Applicant
Ward 10

3307 Charles Street

Narendra Patel d/b/a Lions Quick Mart, LLC
Sale of tobacco products with a gas station and convenience store in an R-1,
Single-family Residential Zoning District

The subject property is located on the southeast corner of Charles Street and 29th Street and is currently a gas station and convenience store. Narendra Patel, Applicant, stated he was requesting a license for the sale of tobacco. Attorney Cacciapaglia had no questions of the Applicant.

Mr. Roszkowski stated he recalls that in the past there was a complaint on this site regarding the lights on the canopy being too bright. Attorney Cacciapaglia clarified that there is no sale of liquor at this location. Ms. Neubauer asked if there was a concern with tobacco in the proximity of a high school, and Attorney stated there is no code requiring a distance is required for alcohol or tobacco.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of tobacco products with a gas station and convenience store in the name of Narendra Patel d/b/a Lions Quick Mart, LLC in an R-1, Single-family Residential Zoning District at 3307 Charles Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-2 with Craig Olson and Scott Sanders voting Nay.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Hours are limited to Monday-Saturday 6:00 a.m. to 11:00 p.m. and Sunday 9:00 a.m. to 9:00 p.m.
3. Inside signage cannot exceed more than 35% of the window surface.
4. Maintenance of landscaping units and all units must be installed in accordance with Exhibit D.

012-LAB-039

Applicant
Ward 11

1203 7th Street

Muammar M. Elzofri d/b/a Seventh Street Market
Sale of packaged liquor in conjunction with a convenience store in a C-2, Limited
Commercial Zoning District

The subject property is located within a strip center on the southwest corner of 11th Avenue and 7th Street and is the Kwik Mart convenience store. Muammar M. Elzofri was present and reviewed his request for

the sale of package liquor. The applicant is wanting to sell packaged liquor in conjunction with a convenience store.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Attorney Cacciapaglia had no questions but stated she is standing by Staff's recommendation of Denial. She stated this property has had numerous police calls. She stated the Applicant did not indicate that he would hire security in response to one of the questions on his application.

A **MOTION** was made by Scott Sanders to **DENY** the sale of packaged liquor in conjunction with a convenience store in the name of Muammar M. Elzofri d/b/a Seventh Street Market at 1203 7th Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 6:35 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor and Tobacco Advisory Board